RNI No. MAHBIL /2009/40123

सत्यमेव जयते

महाराष्ट्र शासन राजपत्र

असाधारण भाग पाच-अ

वर्ष १२, अंक २२(३)] शुक्रवार, जुलै ३, २०२६/आषाढ १२, शके १९४८ [पृष्ठे ५, किंमत : रुपये ३६.००

असाधारण क्रमांक ४४

प्राधिकृत प्रकाशन

महाराष्ट्र विधानसभेत व महाराष्ट्र विधानपरिषदेत सादर केलेली विधेयके (इंग्रजी अनुवाद).

MAHARASHTRA LEGISLATURE SECRETARIAT

The following Bill which was introduced in the Maharashtra Legislative Council on the **3rd July, 2026** is published under Rule **113** of the Maharashtra Legislative Council Rules :—

L. C. BILL No. XVII OF 2026.

A BILL

to amend the Bharatiya Nagarik Suraksha Sanhita, 2023, in its application to the State of Maharashtra.

46 of 2023. WHEREAS it is expedient to amend the Bharatiya Nagarik Suraksha Sanhita, 2023, in its application to the State of Maharashtra, for the purposes hereinafter appearing; it is hereby enacted in the Seventy-seventh Year of the Republic of India as follows :—

Short title. **1.** This Act may be called the Bharatiya Nagarik Suraksha Sanhita (Maharashtra Amendment) Act, 2026.

Amendment of section 15 of 46 of 2023. 46 of 2023. **2.** In section 15 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in its application to the State of Maharashtra (hereinafter referred to as "the said Sanhita"), for the words "Superintendent of Police" the words "Assistant Commissioner of Police or Sub-Divisional Police Officer" shall be substituted.

Amendment of section 98 of 46 of 2023.

3. In section 98 of the said Sanhita, in sub-section (*2*), in clause (*b*), after the words "visible representation" the words "or electronic or digital record" shall be inserted.

Amendment of section 107 of 46 of 2023.

4. In section 107 of the said Sanhita, in sub-section (*1*), after the words "Commissioner of Police" the words "or Joint Commissioner of Police" shall be inserted.

Amendment of section 129 of 46 of 2023.

5. In section 129 of the said Sanhita, in clause (*f*), in sub-clause (*i*),—

(*1*) in para (*g*), the word "or" shall be deleted;

(*2*) after para (*g*), the following para shall be added, namely:-

"(*h*) the Narcotic Drugs and Psychotropic Substances Act, 1985; or". 61 of 1985.

Amendment of section 170 of 46 of 2023.

6. In section 170 of the said Sanhita,—

(*1*) in sub-section (*2*), after the words "required or authorised" the words, brackets and figure "under sub-section (*3*) or" shall be inserted;

(*2*) after sub-section (*2*), the following sub-section shall be added, namely:—

"(*3*) (*a*) Where a person is arrested under this section and the officer making the arrest, or the officer in charge of the police station before whom the arrested person is produced, has reasonable grounds to believe that the detention of the arrested person for a period longer than twenty-four hours from the time of arrest (excluding the time required to take the arrested person from the place of arrest to the Court of a Judicial Magistrate) is necessary, by reason that-

(*i*) the person is likely to continue the design to commit, or is likely to commit, the cognizable offence referred to in sub-section (*1*) after his release; and

(*ii*) the circumstances of the case are such that his being at large is likely to be prejudicial to the maintenance of public order,

the officer making the arrest, or the officer in charge of the police station, shall produce such arrested person before the nearest Judicial Magistrate, together with a report in writing stating the reasons for a continued detention of such person for the period longer than twenty-four hours.

(*b*) Notwithstanding anything contained in this Sanhita or any other law for the time being in force, where the Magistrate before whom such arrested person is produced is satisfied that there are reasonable grounds for the temporary detention of such person in custody beyond the period of twenty-four hours, he may, from time to time, by order remand such person to such custody as he may think fit:

Provided that, no person shall be detained under this section for a period exceeding fifteen days at a time, and for a total period exceeding thirty days from the date of arrest of such person.

(*c*) When any person is remanded to custody under clause (*b*), the Magistrate shall, as soon as may be, communicate to such person the grounds on which the order has been made and such person may make a representation against the order to the Court of Sessions. The Sessions Judge may, on receipt of such representation, after holding such inquiry as he deems fit, either reject the representation, or if he considers that further detention of the arrested person is not necessary, or that it is otherwise proper and just so to do, may vacate the order and the arrested person shall then be released forthwith.".

7. In section 173 of the said Sanhita, in sub-section (*3*), in clause (*i*), for the words "fourteen days" the words "six weeks" shall be substituted. Amendment of section 173 of 46 of 2023.

8. In section 482 of the said Sanhita, after sub- section (*1*), the following sub-section shall be inserted, namely:- Amendment of section 482 of 46 of 2023.

"(*1A*) The presence of the applicant seeking anticipatory bail shall be obligatory at the time of final hearing of the application and passing of the final order by the Court, if on an application made by the Public Prosecutor, the Court considers such presence necessary in the interest of justice.".

STATEMENT OF OBJECTS AND REASONS

The Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023) regulates the procedure for investigation, inquiry and trial of offences under the Bharatiya Nyaya Sanhita, 2023 (45 of 2023) and under any other law governing criminal offences.

2. To enhance the efficiency and functionality of the police force, the Government considers it expedient to amend certain sections of the Bharatiya Nagarik Suraksha Sanhita, 2023, in its application to the State of Maharashtra.

3. The proposed amendments are as follows:–

(*i*) Section 15 of the said Sanhita provides that the State Government may appoint any police officer not below the rank of Superintendent of Police or equivalent to be known as the Special Executive Magistrate. The Assistant Commissioner of Police or Sub-Divisional Police Officer has a more relevant operational role in investigation of offences within their jurisdiction. Therefore, due to changes in the administrative structure, the Government considers it expedient to appoint any police officer not below the rank of Assistant Commissioner of Police or Sub-Divisional Police Officer or equivalent as the Special Executive Magistrate, by amending said section 15, suitably.

(*ii*) Section 98 of the said Sanhita provides that where any newspaper, or book or document wherever printed, appears to the State Government to contain any matters the publication of which is punishable under section 152 or section 196 or section 197 or section 294 or section 295 or section 299 of the Bharatiya Nyaya Sanhita, 2023 (45 of 2023), the State Government declare such newspaper, or book or document be forfeited to the Government and to issue search warrants for same. The term 'document' in the said section includes any painting, drawing or photograph, or other visible representation. The term 'document' is defined under clause (*8*) of section 2 of the Bharatiya Nyaya Sanhita, 2023 which includes electronic and digital record also. Therefore, to bring clarity for the purpose of said section 98 of the Bharatiya Nagarik Suraksha Sanhita, the Government considers it expedient to amend the same with a view to include the electronic and digital record within the meaning of term document.

(*iii*) Sub-section (*1*) of section 107 of the said Sanhita provides that, the police officer may, with the approval of Superintendent of Police or Commissioner of Police, make an application to the Court or the Magistrate for attachment of property derived or obtained as a result of criminal activity or from the commission of any offence. With a view to expedite such approval, the Government considers it expedient to decentralize such powers and give such powers also to Joint Commissioner of Police at local level by amending said sub-section (*1*) of section 107, suitably.

(*iv*) Section 129 of the said Sanhita provides for security for good behaviour from habitual offender committing offences under certain Acts. The offences under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985) are not covered under said section 129. With a view to enhance the capacity of law enforcement agencies to address narcotic related crimes, the Government considers it expedient to include the offences under the Narcotic Drugs and Psychotropic Substances Act, 1985

(61 of 1985) within the purview of the said section 129 by amending said section, suitably.

(*v*) Section 170 of the said Sanhita is proposed to be amended to provide for remand of an arrested person to custody in suitable cases under the authority of a Judicial Magistrate, where he is being at large is likely to be prejudicial to the maintenance of public order, for a period of fifteen days at a time, but not exceeding a total period of thirty days. The proposed amendment was made in the Code of Criminal Procedure, 1973 (2 of 1974), in its application to the State of Maharashtra, by the Maharashtra Act No. VII of 1981. The said Code is repealed by the said Sanhita and the said provision is not contained in the said Sanhita. Therefore, this amendment is proposed.

(*vi*) The time period for conducting preliminary enquiry to ascertain whether there exists a *prima-facie* case for proceeding in cognizable cases is proposed to be increased from fourteen days to six weeks by amending section 173 of the said Sanhita, suitably.

(*vii*) Section 482 of the said Sanhita is proposed to be amended to provide for ensuring the presence of the person apprehending arrest seeking anticipatory bail at the time of final hearing of the application and passing of the final order by the Court, and also where, on an application made by the Public Prosecutor, the Court considers such presence necessary in the interest of justice. The proposed amendment was made in the Code of Criminal Procedure, 1973, in its application to the State of Maharashtra, by the Maharashtra Act. No. XXIV of 1993. The Code of Criminal Procedure, 1973 is repealed by the said Sanhita and the said provision is not contained in the said Sanhita. Therefore, this amendment is proposed.

4. The Bill seeks to achieve the above objectives.

Mumbai,
Dated the 2nd July, 2026.

DEVENDRA FADNAVIS,
Chief Minister.

Vidhan Bhavan:
Mumbai,
dated the 3rd July, 2026.

DR. VILAS ATHAWALE,
Secretary-3
Maharashtra Legislative Council.

ON BEHALF OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATION, PRINTED AND PUBLISHED BY DIRECTOR, SMT MANISHA KUMBHAR, PRINTED AT GOVERNMENT CENTRAL PRESS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004 AND PUBLISHED AT DIRECTORATE OF GOVERNMENT PRINTING, STATIONERY AND PUBLICATIONS, 21-A, NETAJI SUBHASH ROAD, CHARNI ROAD, MUMBAI 400 004. EDITOR : DIRECTOR, SMT MANISHA KUMBHAR.